

### **REMARKS**

The applicant respectfully requests reconsideration in view of the amendment and the following remarks. The applicant has amended the claims to overcome the claim objections and the 35 U.S.C. 112, second paragraph rejection.

Claims 17 and 20 were objected for minor informalities. Claims 6, 18-20, and 21 are rejected under 35 U.S.C. 112, second paragraph as being indefinite for to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Becker et al. (WO 01/42331) ("Becker") in view of Setayesh et al. (Journal of the American Chemical Society, vol. 123, no. 5 pp. 946-953, 2001) ("Seyayesh"). Claims 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Becker in view of Towns et al. (6,353,072) ("Towns"). Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Becker and Setayesh as applied to claim 1 and in further view of Towns. Claims 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sirringhaus et al. (WO 00/79617) ("Sirringhaus") in view of Becker. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Becker and Setayesh as applied in claim 1, and further in view of Inbasekaran et al. 6,353,083 ("Inbasekaran"). Claims 1-6, 8-11, 14-17, and 21-23 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 29, 31, 34, 36-37, 39, 41, 43, 46, 48-50, 53-56 of copending Application No. 11/659,899. The applicant respectfully traverses these rejections.

### **112 Rejection**

Claims 17 and 20 were objected for minor informalities. Claims 6, 18-20, and 21 are rejected under 35 U.S.C. 112, second paragraph as being indefinite for to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The applicant

believes that the claims as amended are in compliance with 35 U.S.C. 112, second paragraph.

For the above reasons, this rejection should be withdrawn.

### **Prior Art Rejections**

Claims 1-12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Becker in view of Setayesh. Claims 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Becker in view of Towns. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Becker and Setayesh as applied to claim 1 and in further view of Towns. Claims 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sirringhaus in view of Becker. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Becker and Setayesh as applied in claim 1, and further in view of Inbasekaran et al. 6,353,083 ("Inbasekaran").

All the pending claims have also been rejected under 35 U.S.C. § 103, as being unpatentable over Becker in view of different documents.

Becker discloses a statistical copolymer of general formula (I), containing a moiety B (see the abstract). This moiety B is chosen from general formulae (II) and (III). Formula (III) corresponds to the trans-indenofluorene unit of formula (I) of claim 1 of the present application.

According to Becker, the substituents R<sup>1</sup> and R<sup>2</sup> of the moiety of formula (III) "are the same or different from each other and each is selected from the group consisting of hydrogen atoms, alkyl groups, haloalkyl groups, alkoxy groups, alkoxyalkyl groups, aryl groups, and aralkyl groups." (see the abstract)

In the specification of Becker, only moieties of formula (III) are disclosed, which contain four alkyl groups as substituents (see pages 11, 12, 22 and 23 of Becker).

Even if encompassed by claim 1 of Becker, Becker does not disclose explicitly trans-indenofluorenes of formula (I) of the present application, wherein at least one of the substituents R<sub>1</sub>, R<sub>2</sub>, R<sub>3</sub> and R<sub>4</sub> comprises an aryl or heteroaryl group.

To point out the differences between a polymer having trans-indenofluorene units only with alkyl-substituents (as disclosed in Becker) and a polymer having transindenofluorene units with at least one aryl-substituent (as disclosed in the present application), the applicant has enclosed an executed declaration which clearly show that the trans-indenofluorenes, which have at least one aryl group as substituent, have superior properties than trans-indenofluorenes having only alkyl-substituents. The applicant believes that this data establishes unexpected results. For the above reasons, these rejections should be withdrawn.

#### **Double Patenting Rejection**

Claims 1-6, 8-11, 14-17, and 21-23 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 29, 31, 34, 36-37, 39, 41, 43, 46, 48-50, 53-56 of copending Application No. 11/659,899. In response, Applicants have filed herewith a Terminal Disclaimer. Accordingly, Applicants respectfully request that the double-patenting rejection be withdrawn.

The filing of a Terminal Disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection. The "filing of a Terminal Disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection." Quad Environmental Technologies Corp. v. Union Sanitary District, 946 F.2d 870, 20 U.S.P.Q.2d 1392 (Fed. Cir. 1991). Accordingly, Applicants filing of the attached disclaimer is provided for

facilitating a timely resolution to prosecution only, and should not be interpreted as an admission as to the merits of the obviated rejection.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

A one month extension fee has been paid. Applicant believes no additional fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 14113-00039-US from which the undersigned is authorized to draw.

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Respectfully submitted,

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Enclosure: 1.132 Declaration